

REMARKS/ARGUMENTS

The drawings were objected to for failing to illustrate the adhesive defined in claims 1 and 13. Applicant respectfully traverses this objection. Although the adhesive is claimed in claim 1 (claim 13 being presently canceled), it is clear from the description as to where the adhesive is applied, and it is not necessary for the drawings to specifically illustrate the adhesive. Adhesive is typically a very thin layer of material applied to the label sheet which is not necessarily visibly perceptible, yet it is well within the knowledge of those skilled in the art to understand the function and location of the adhesive as presently described in the application. It is also noted, for example, in the U.S. Patent No. 5,958,536 to Gelsinger, that this reference claims an adhesive layer, yet the actual adhesive itself is not separately illustrated. Therefore, it is asserted that the adhesive in an adhesive type label is a conventional feature, and the nature of adhesive further makes it unnecessary for illustration. Therefore, the objection to the drawings should be withdrawn.

Claim 7 was rejected under 35 U.S.C. § 112 as being indefinite. Claim 7 has been amended to clarify that the upper end portion of the label sheet is provided with a shape approximating a size of a width of the edge portion of the shelf. Claims 13-19 have been canceled. Therefore, the rejection under Section 112 should be withdrawn.

Claim 12 has been amended to clarify that the plurality of label sheets correspond to the label sheet of claim 1.

Claims 1-19 were rejected under Section 103 as being unpatentable over Gelsinger in view of Dronzek. Applicant respectfully traverses this rejection. Independent claim 1 has been amended to further recite that label sheet includes a first line of weakness formed within the label

sheet extending completely between the upper and lower end portions and defining a line separating said upper and lower portions so that said upper and lower end portions are separated from one another when said label sheet is broken along said first line of weakness. Gelsinger clearly teaches away from this claimed feature of the invention. Referring to column 3, lines 22-26, Gelsinger states that the die cut for the detachable section is made into the adhesive section 120 without cutting into the release line 160. The detachable section 130 is thus fully contained within the perimeter of the adhesive section. In each of the figures of Gelsinger as well as the corresponding description, there is no line of weakness, perforation, or any other type of breakage line which extends completely between upper and lower end portions so that the upper and lower end portions are separated from one another when the label sheet is broken along the first line of weakness. Rather, the detachable section 130 simply constitutes a portion of the adhesive section 120 which can be removed, yet the remaining portion of the label surrounding the detachable section remains attached to the label of the product. As mentioned at column 4, lines 15-17, Gelsinger further states that the marginal area 180 of adhesive section 120 ensures that portion 170 of release liner 160 is sealed onto the surface. Thus, there is a clear teaching away within Gelsinger of actually separating the upper and lower end portions from one another by the claimed first line of weakness, since it is a specific object within Gelsinger to have the remaining portion of the adhesive section 120 (the marginal area 180) to remain attached to the product. In the present invention, the lower end portion of the label is not secured to any part of the shelf or product and rather, the lower end portion provides separated labeling for special or promotional advertisements wherein the lower end portion is to be removed at some point in time. Therefore, this rejection should also be withdrawn.

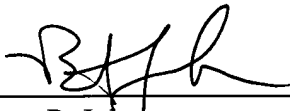
Application No. 10/666,420

New claim 21 has been added to further claim the invention in combination with the object to which the label is mounted. New claim 21 is similar to claim 1 in that it also requires the particular configuration of the first line of weakness, and new claim 21 further requires that the lower end portion extends substantially vertically below the upper end portion and not in contact with the object. As mentioned above in Gelsinger, the entire label 100 is wrapped around the object (the stock bottle), and it is a specific object in Gelsinger to ensure that the marginal area 180 of adhesive section 120 is sealed onto the surface of the bottle. Therefore, Gelsinger specifically teaches away from any portion of the label which does not maintain contact with the object. Dronzek and the other references of record fail to teach the features of new claim 21. Therefore, new claim 21 should also be allowed.

Applicant has made a sincere effort to place the application in a condition for allowance; therefore, such favorable action is earnestly solicited. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 
Brent P. Johnson
Registration No. 38,031
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: 6/22/85